

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Kansas City District  
**FILE NUMBER:** 200502402

**REGULATORY PROJECT MANAGER:** Jon Miller

**Date:** August 24, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office N (Y/N) Date:  
 At the project site Y (Y/N) Date: August 23, 2005

**PROJECT LOCATION INFORMATION:**

State: Missouri  
 County: Boone  
 Center coordinates of site by latitude & longitudinal coordinates: Lat 38-56-0.8160 Long 92-21-55.7640  
 Approximate size of site/property (including uplands & in acres): 5  
 Name of waterway or watershed: Hinkson Creek

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake		1							
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?				x	
Is used to irrigate crops sold in interstate commerce?		x			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary Or Approved X.

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

The pond is at the top of a steep ravine lacking an OHWM. The ravine is not a jurisdictional tributary so the pond is not an impoundment of a stream or other jurisdictional water or connected to one. A fringe of wetlands around the lake is considered to be adjacent to Hinkson Creek via the ravine and is jurisdictional.